



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,961	03/12/2001	Toyokazu Sugai	1163-0329P	2653
2292 7590 12/03/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER SHANG, ANNAN Q	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 12/03/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

09/802,961

Applicant(s)

SUGAI ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,9-21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9-21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 5-7, 9-21 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Claims 1-11, and 16-23 rejected under 35 U.S.C. 103(a) as being unpatentable over **Admitted Prior Art (Applicant Specification pages 1-2)** in view of **Program and System Information Protocol For terrestrial Broadcast and Cable (Doc. A/65- 23 Dec. 1997)** and Claim 12-15 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Admitted Prior Art (Applicant Specification pages 1-2)** in view of **Program and System Information Protocol For terrestrial Broadcast and Cable (Doc. A/65- 23 Dec. 1997)**, and further in view of **Thomas et al. (US 5666654)**, Applicant amends some and discusses the claimed invention and the prior art of records and further argues that the prior arts of record do not teach the amend/unamended claim limitations. Furthermore argues that the **PSIPBC Doc. A/65- 23 Dec. 1997**, "...does not suggest updating only those tables that are determined to need updating using the stored electronic program information..."(see page 10+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Admitted Prior Art **Tsurumoto (7,111,315)** discusses all the claimed limitation as discussed below, including updating the stored EPG and sending update message to the decoder, but does not clearly teach that the table generation means determines which of the plurality of electronics program guide information tables needs to be

generated based on the update information generated by the editing unit and generates only those electronic program guide information tables that are determined to need updating by using the electronic program information stored in the EPG information storage means. However, this deficiency is disclosed in **PSIPBC Doc. A/65-23 Dec. 1997**, which discloses a plurality of EPG information tables needs to be generated based on the update information generated by the editing unit and generates only those electronic program guide information tables that are determined to need updating by using the electronic program information stored in the electronic program information storage unit (pages 72-74 and 76-79). **PSIPBC Doc. A/65-23 Dec. 1997** uses EPG information stored to updated EPG information table as needed. Hence applicant's amended/unamended claims do not overcome the prior arts of record.

As to applicant's arguments that Examiner has not establish prima facie obviousness, Examiner maintains that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporate into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case references are in the same field of endeavor; as such combining the references would have been obvious to one of ordinary skill in the art and appropriate motivation was given. Hence the 103(a) rejection is proper, meets all the claims limitations as discussed below in the office action.

Furthermore it appears Applicant's arguments are directed against the admitted prior art and Doc. A/65-23 Dec 1997 individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. **See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).** This office action is made **Final**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 2, 5-7, 9-11 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Admitted Prior Art (Applicant Specification pages 1-2, Tsurumoto (7,111,315))** in view of **Program and System Information Protocol For terrestrial Broadcast and Cable "PSIPBC" (Doc. A/65- 23 Dec. 1997)**.

Claim 1, Admitted Prior Art **Tsurumoto** clearly anticipates an electronic program guide providing device (Applicant Specification pages 1-2) comprising:

An editor Unit (figs 1-3, Terminal 31-1 to 3) for updating electronic program (EPG) information (figs 1-3, 16 and col.5, line 38-col.6, line 47);

An EPG storage unit (Database 32) for storing the EPG information updated by the editor unit; A table generation unit (33) for generating a plurality of EPG information

tables by using the EPG information stored in the EPG information storage unit, and transmitting the plurality of electronic program guide information tables as transport stream packets, the plurality of EPG information tables including a 1st table events, and at least a 2nd table events occurring at different times or including different content from the events in the 1st table (col.6, lines 1-67);

where when updating the EPG information stored in the EPG information storage unit, the editor unit generates update information on the updating of the EPG information (col.6, lines 1-67 and col.7, lines 10-53); and

the table generation unit regenerates all of the EPG information table at predetermined time intervals regardless of whether or not the EPG information associated with a table updated; wherein the 1st table of events is separately regenerated at a time or in content different from the second table of events (col.6, lines 1-67 and col.7, lines 10-53).

Tsurumoto discloses the table generation unit determines which of the plurality of EPG information tables needs to be generated based on the update information generated by the editing unit and generates only those EPG information tables that are determined to need updating by using the EPG information stored in the EPG information storage unit;

PSIPBC Doc. A/65-23 Dec.1997, discloses which of said plurality of EPG information tables needs to be generated based on the update information generated by the editing unit and generates only those electronic program guide information tables

that are determined to need updating by using the electronic program information stored in the electronic program information storage means (pages 72-74 and 76-79).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Self-admitted prior art with the teaching of DOC. A/65 so to reduce bandwidth usage between the central delivery center of master EPG and each of the remote broadcasting distribution stations by identifying only tables that need to be updated (pages 72-74).

As to claim 2, Tsurumoto further discloses "an update information storage means for storing the update information generated by said editing means, and wherein, when updating the EPG information stored in the EPG information storage means, said editing means stores the update information on the updating of the electronic program information in said update information storage means".

As to claims 5 and 6, Tsurumoto further discloses "wherein the table generation means updates only one or more electronic program information tables that needs to be updated at predetermined interval" as discussed in claim 1

As to claim 7, Tsurumoto further discloses, "wherein said table generation unit sets the length of predetermined intervals according to a sending frequency of an electronic program information table with the largest sending frequency"

As to claims 9 and 10, Tsurumoto further discloses "wherein the table generation means sets the length of predetermined intervals at which each of one or more electronic program information tables that need to be updated is updated according to a sending frequency of each of the one or more electronic program information tables"

As to claim 11, Tsurumoto further discloses the device includes a plurality of editing units, and each of the plurality of editing units inspects update information generated by any other means stored in the updated information storage unit.

As to claim 11, Tsurumoto further discloses where the device includes a plurality of table generation units for generating the plurality of EPG information tables while sharing a load of generating the EPG information table.

Claims As to claim 11, Tsurumoto further discloses wherein the table generation means provides the plurality of electronic program guide information tables at predetermined time intervals, and updating the EPG information table, provides the updated EPG table at the same time that it updates the EPG information table.

Claim 20, method claim is analyzed with respect to claim 1.

Claim 21, method claim is analyzed with respect to claim 5.

Claim 22, method claim is analyzed with respect to claim 9.

Claim 23, method claim is analyzed with respect to claim 10.

4. Claims 12-15 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsurumoto (7,111,315)** in view of **PSIPBC Doc. A/65-23 Dec.1997)** as applied to claims 1, 2 and 20 above and further in view of **Thomas et al. (US 5666654)**.

Claim 12-15 and 24-26, **Tsurumoto** in view of **DOC. A/65** does not clearly disclose wherein said update information storage means stores histories of the update information generated by said editing means, and said editing means restores the

electronic program information stored in said electronic program information storage means to the state it was prior to any updating done by said editing means with reference to the histories of the update information stored in said update information storage means If necessary.

Thomas discloses wherein said update information storage means stores histories of the update information generated by said editing means, and said editing means restores the electronic program information stored in said electronic program information storage means to the state it was prior to any updating done by said editing means with reference to the histories of the update information stored in said update information storage means If necessary (Fig. 8; Col. 8, lines 9-46 and Col. 12, lines 28-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsurumoto in view of DOC. A/65 with the teaching of Thomas so the system able to roll-back to the previous state in case there is some interruption during the process of updating, i.e., data

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

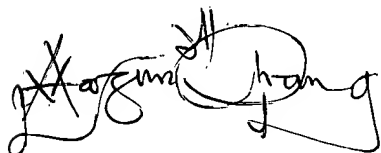
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized flourish at the end.

Annan Q. Shang